

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

KEITH COLE, JACKIE BRANNUM, RICHARD	§	
KING, MICHAEL DENTON, FRED WALLACE,	§	
and MARVIN RAY YATES, individually and on	§	
behalf of those similarly situated,	§	CIVIL ACTION NO.
Plaintiffs,	§	4:14-cv-1698
	§	
v.	§	
	§	
BRYAN COLLIER, in his official capacity,	§	
ROBERT HERRERA, in his official capacity, and	§	
TEXAS DEPARTMENT OF CRIMINAL JUSTICE,	§	
	§	
Defendants.	§	

**PLAINTIFFS' THIRD UNOPPOSED MOTION TO APPROVE CLASS OPT-OUTS**

Plaintiffs file this unopposed motion to request the Court approve the requests from the following nineteen individual to opt out of the Class.

Opt outs must be approved by the Court in accordance with the Settlement Agreement. Doc. 989-4, pp. 17–18. Class counsel have personally interviewed each inmate below and found no reason to oppose any of these individuals' requests to opt out.

- James Wagers (#02081167).

Class Counsel met with Mr. Wagers in person, at the Pack Unit, on October 19, 2018. After explaining the opt-out process and their rights under the settlement, Class Counsel believes Mr. Wagers has a rational understanding of the opt-out process, the rights he is surrendering, and that once he has “opted out” of the lawsuit that any rights he has under the settlement have been forever extinguished.

Since preliminary approval of the settlement, Class Counsel met with a total of twenty-seven inmates who have submitted the opt out forms provided in the settlement agreement. After

meeting with counsel who explained the settlement and their rights, four inmates chose to withdraw their requests to opt out.

Mr. Wagers, described rational, thoughtful reasons he desired to opt out. Mr. Wagers wanted to be transferred to a different prison to attend programming not available at the Pack Unit. Mr. Wagers does not appear to be experiencing coercion or retaliation. Thus, it is the opinion of Class Counsel that Mr. Wagers should have his request to opt out approved.

Per the Court's August 7, 2018 order, a declaration in support of this motion containing privileged attorney/client communications is filed separately, *ex parte* and under seal.

Date: October 22, 2018.

Respectfully submitted,

Edwards Law  
The Haehnel Building  
1101 East 11th Street  
Austin, Texas 78702  
Tel. 512-623-7727  
Fax. 512-623-7729

By /s/ Jeff Edwards  
JEFF EDWARDS  
State Bar No. 24014406  
Attorney-in-Charge  
Scott Medlock  
State Bar No. 24044783  
Michael Singley  
State Bar No. 00794642  
David James  
State Bar No. 24092572  
Federal ID No. 2496580

ATTORNEYS FOR PLAINTIFFS

**CERTIFICATE OF SERVICE**

By my signature above, I certify that a true and correct copy of the foregoing has been served on all counsel of record through the Court's electronic filing system.

By /s/ Jeff Edwards  
JEFF EDWARDS

**CERTIFICATE OF CONFERENCE**

By my signature above, I certify that I conferred with attorneys for Defendants, Leah O'Leary and Darren McCarty, by email on October 22, 2018. Defendants' counsel is unopposed to this motion.

By /s/ Jeff Edwards  
JEFF EDWARDS